

REPORT TO THE SENATE
ON THE ACTIVITIES

OF THE

COMMITTEE ON ENVIRONMENT AND
PUBLIC WORKS
FOR THE NINETY-NINTH CONGRESS



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For the 99th Congress

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March 30), 1987

Mr. STAFFORD, from the Committee on Environment and Public Works, and in accordance with section 8(b) of rule XXVI of the Standing Rules of the Senate, submits the following report of committee activities for the 99th Congress

INTRODUCTION

The Committee on Environment and Public Works had an especially active and successful legislative and oversight program during the 99th Congress. During 1985 and 1986 the President signed several major environmental bills including:

The Superfund Amendments and Reauthorization Act of 1986 (P.L. 99-499) providing a five-year, \$8.5 billion extension of the Nation's principal hazardous waste clean up law. The new Superfund program will include health assessments at every site on the National Priorities List, cleanup standards, and a schedule for cleanup activities that will assure continued progress in removing hazardous substances from the environment. The new act also includes community right-to-know requirements, a program to clean up leaking underground storage tanks, and authorizes a program of research on indoor air pollution.

The Safe Drinking Water Act Amendments of 1986 (P.L. 99-339), legislation that requires EPA to establish health-based, drinking water standards for 83 contaminants known to occur in the Nation's drinking water supplies. The 1986 amendments also include new measures to prevent ground water contamination.

The Water Resources Development Act (P.L. 99-662), a bill authorizing \$15.3 billion in new flood control, navigation, erosion control and other water resource projects to be constructed by the Corps of Engineers. As a result of this legislation

Federal water policy is significantly modified to require for the first time that costs of water resource projects be shared with local governments and other beneficiaries.

The Asbestos Hazard Emergency Response Act of 1986 (P.L. 99-519), legislation establishing a program to identify and remove hazardous asbestos materials found in the Nation's schools. The bill also requires that contractors carrying out asbestos abatement activities be trained and certified.

In addition to these major public laws, the Committee also reported and the Senate passed bills to:

- reauthorize the Clean Water Act and phaseout the municipal wastewater treatment construction grants program;
- reauthorize the Federal-aid Highway Program providing \$52.4 billion for highway construction;
- establish a new oilspill liability and compensation program;
- authorize the activities of the Public Building Service; and
- authorize appropriations for the Nuclear Regulatory Commission for fiscal years 1986 and 1987.

During the 99th Congress the Committee and its subcommittees held 104 days of hearings and conducted 32 business meetings. Members of the Committee served on House-Senate conference committees for legislation with respect to Superfund, Clean Water, Safe Drinking Water, Highways, Water Resources, and reconciliation legislation.

COMMITTEE JURISDICTION

Section (h) of rule XXV of the Standing Rules of the Senate states that the Committee on Environment and Public Works "... be referred all proposed legislation, messages, petitions, memorials and other materials relating to the following subjects:

- "1. Air pollution.
- "2. Construction and maintenance of highways.
- "3. Environmental aspects of Outer Continental Shelf lands.
- "4. Environmental effects of toxic substances, other than pesticides.
- "5. Environmental policy.
- "6. Environmental research and development.
- "7. Fisheries and wildlife.
- "8. Flood control and improvements of rivers and harbors including environmental aspects of deepwater ports.
- "9. Noise pollution.
- "10. Nonmilitary environmental regulation and control of nuclear energy.
- "11. Ocean dumping.
- "12. Public buildings, and improved grounds of the United States generally, including Federal buildings in the District of Columbia.
- "13. Public works, bridges and dams.
- "14. Regional economic development.
- "15. Solid waste disposal and recycling.
- "16. Water pollution.
- "17. Water resources.

"Such committee shall also study and review, on a comprehensive basis, matters relating to environmental protection and resource utilization and conservation and report thereon from time to time."

FULL COMMITTEE

SUPERFUND

On October 17, 1986, President Reagan signed the Superfund Amendments and Reauthorization Act of 1986 (SARA) into law as P.L. 99-499. The new act provides for a five-year, \$8.5 billion reauthorization of the Federal Government's principal program to respond to releases of hazardous substances. The bill, S. 51, was reported by the Environment and Public Works Committee on March 7, 1985, and was passed by the Senate (with revenue amendments reported by the Committee on Finance) on September 24, 1985. Several days of hearings were held on the major provisions of the bill during the concluding weeks of the 98th Congress. The bill was the subject of an extensive conference with the House which began in March, 1986, and was concluded in September. The principal provisions of the new law are outlined below.

Health studies.—SARA authorizes a series of health studies and assessments to be carried out by EPA and the Agency for Toxic Substances and disease Registry (ATSDR). ATSDR must list 100 hazardous substances most commonly found at Superfund sites within 6 months, must add another 100 substances to the list after 24 months and update the list each year thereafter. ATSDR is then to prepare a toxicological profile of each substance on the list and if available information is inadequate, it is to begin additional research the costs of which should be recovered from the manufacturers of the substance. ATSDR is to perform a health assessment of each site on the National Priorities List to determine health risks and steps to reduce human exposure to releases from the sites. Where health risks are significant, follow-on health studies including epidemiological studies and disease registries are authorized. ATSDR is provided with a mandatory budget of not less than \$50 million and 100 FTEs annually.

Standards.—When selecting a remedy for a hazardous waste site cleanup, EPA is to select methods of treatment that permanently reduce the volume, toxicity or mobility of the waste rather than temporary remedies. The legislation requires that if hazardous waste is left at a site, EPA must review the remedial action at least every five years to ensure protection of human health and the environment. EPA response actions must meet standards contained in other Federal or State law where such law is applicable or relevant and appropriate. State standards may be waived in a limited set of circumstances. Hazardous wastes disposed of off-site may only be taken to sites that are in compliance with standards issued under the Solid Waste Disposal Act.

Schedules.—The new act establishes a goal of completing preliminary assessment of all hazardous waste sites in the Nation by January 1, 1988, and inspecting all sites which require inspection by

January 1, 1989. The legislation establishes a mandatory schedule for remedial inspection and feasibility studies (RI/FSs) and for the commencement of cleanup actions. EPA must start 375 RI/FSs within 36 months of enactment. It must begin physical cleanups at 175 sites within three years and at 200 sites within the following two years for a total of 375 startups during the five-year reauthorization period.

State and local participation.—State and local governments are given significant new roles in the Superfund program under the reauthorization legislation. EPA is to issue regulations providing for State participation in the cleanup process beginning with site assessment and continuing through implementation of actual remedies. EPA is authorized to reimburse local governments for the costs of response to hazardous-substance emergencies up to \$25,000 for each response. EPA is authorized to pay 90 percent of the operations and maintenance expenses of remedial actions for a period of 10 years at each site (increased from one year under current law). States are given credits for their expenditures at sites which were made before the site was listed on the NPL and for expenditures during the period that the authorization lapsed.

Public participation.—EPA is to provide for public participation in the selection of remedies including hearings near the site. EPA may make grants of up to \$50,000 to local groups to assure effective participation by local interests.

Settlements.—The new act contains a series of provisions designed to encourage settlements with responsible parties, rather than lengthy litigation, to resolve issues related to the appropriate remedial action. EPA is authorized to prepare a "non-binding preliminary allocation of responsibility" to aid negotiations, to release diminimus contributors from further liability as part of a settlement, to provide covenants not to sue for further liability under limited circumstances, and to use arbitration to settle cases under \$500,000. Finally, the act authorizes use of "mixed funding" to be used for cleanup at some sites, funds to include payments from those parties prepared to settle and from EPA for costs assigned to other responsible parties.

Leaking underground storage tanks.—SARA includes a new five-year, \$500 million program to respond to leaks from underground storage tanks containing petroleum. The response program is assigned to EPA, but may be delegated to the States. Corrective actions at the estimated 189,000 leaking tanks in the Nation are to include all measures necessary to protect human health and the environment including the provision of alternative water supplies, relocation of residents in the area of a leak, and various studies to determine exposure. The legislation also provides that owners and operators of tanks must obtain pollution liability insurance or similar financial guarantees to provide for corrective action and compensation to third parties for bodily injury and property damage.

Community right-to-know and emergency response.—There are three major provisions in this part of the legislation:

- (1) emergency planning authorities are established at the State and local level;
- (2) chemical plant and facility operators are required to provide information to the local emergency authorities on hazard-

ous substances manufactured, processed or stored at the facility; and

(3) various industrial facilities are required to report on the routine release of toxic substances that can cause adverse health effects.

Federal facilities.—SARA generally provides that cleanup of hazardous substance releases at federally-owned facilities will be subject to EPA oversight. EPA is required to establish a docket listing all hazardous waste sites owned or operated by the Federal Government. The responsible agency is required to begin an RI/FS within six months of listing on the docket. EPA is to review proposed remedial actions of each agency and cleanup budgets are to be included in each agency's annual budget submission.

Research and development.—SARA establishes a broad, new research program for technologies related to response and remediation of hazardous substance releases. Research would include health effects assessment, environmental detection and response actions which reduce the quantity or toxicity of hazardous materials. Research will be conducted by contracts and cooperative agreements with institutions of higher education, State and local governments and persons in the private sector and will be administered through an office of technology demonstration.

Worker health and safety.—SARA provides that the Department of Labor will issue regulations within one year of enactment to protect the health and safety of workers employed at hazardous waste site operations. The new act also authorizes grants to non-profit organizations for training and education of workers to be administered by the National Institute of Environmental Health Sciences.

Other provisions.—Among other provisions, SARA provides that: alternative water supplies will include household water in addition to drinking water; the definition of removal actions be modified to cover all actions taking less than 12 months and \$2 million; short-term removal actions must contribute to the effectiveness of long-term remedial actions; EPA can acquire real property to facilitate a remedial action; EPA can compel compliance with information requests and inspection orders; EPA will modify the hazard ranking system within 18 months to assure that it adequately reflects the risk to human health and the environment posed by sites; States may pay for the additional costs of a more stringent cleanup than would be required by Federal standards; States must provide sites for the disposal of materials resulting from Superfund responses; the Department of Defense will establish an "environmental restoration program" to be carried out in consultation with EPA; increased civil and criminal penalties may be imposed for violations of CERCLA giving EPA authority to impose civil penalties up to \$25,000 per violation; State statutes of limitations be revised to provide that the time period for filing suit begins when the injured party knew or had reason to know that the injury was caused by the release of a hazardous substance; State and local governments are not liable for non-negligent emergency actions in response to a release by another person; regulations for assessing natural resources damages will be issued within six months from the date of enactment; responsible parties have a right of contribution from any other persons potentially liable under CERCLA; a

statute of limitations for Federal cost recovery actions be imposed; "pre-enforcement" review of EPA remedial actions is prohibited; Superfund liability for releases of used oil does not apply to the owners of service stations which collect used oil from "do-it-yourselfers"; citizens may sue to enforce provisions of CERCLA; companies may form risk retention groups for pollution liability and that such groups are exempt from certain provisions of State law; EPA will carry out a national assessment of the radon gas problem; EPA will conduct an indoor air quality research program; and GAO will conduct a study concerning the availability of pollution liability insurance.

CLEAN AIR AND ACID RAIN

In each Congress since 1981, the Committee has given high priority to legislation which would create an acid rain control program. Again, in the 99th Congress the Committee devoted several days to hearings on bills, including S. 2203, S. 2200 and S. 2813, which would control the pollutants which are precursors of acid precipitation. The principal focus of these hearings was S. 2203, the New Clean Air Act, which was introduced by the Chairman, Senator Stafford, and cosponsored by 22 members of the Senate. The Committee held four days of hearings on the legislation during the closing weeks of the Second Session of the 99th Congress.

PUBLIC BUILDINGS

The Committee on Environment and Public Works authorizes and oversees the public buildings program of the General Services Administration. To provide workspace for almost 900,000 Federal employees in over 7,000 leased and Government-owned buildings across the Nation, GSA requested in excess of \$2.4 billion in obligational authority for this program for fiscal year 1987. Annual expenditures proposed by the agency fall into seven categories: construction/acquisition of facilities; repairs and alterations; design and construction services; rental of space; real property operations; program direction; and purchase contract payments.

To address the full scope of the public buildings program, the Committee reports to the Senate an annual authorization bill which includes each of these programmatic components. Use of an annual authorization bill consistent with the Committee's reform initiative and authorization procedures contained in legislation which passed the Senate during the 96th, 97th and 98th Congresses.

On May 14, 1986 the Committee held a hearing on S. 2397, the Public Buildings Authorization Act of 1986, and H.R. 2403, a bill to encourage GSA compliance with nationally recognized model building codes. Testimony was received from William F. Sullivan, Commissioner, Public Buildings Service, concerning the projects and expenditures proposed for authorization in S. 2397 as well as the General Services Administration position on H.R. 2403. Testimony on H.R. 2403 was also received from Representative Clay Shaw, Jr. of Florida and Representative F. Robert Smith of Oregon. In addition, Senator Arlen Specter testified on a proposal to construct a new fa-

cility to house the Social Security Administration's Data Operations Center in Wilkes-Barre, Pennsylvania.

S. 2397 was reported from the Committee by Chairman Stafford on August 1, 1986. The written report accompanying the bill explained the need to restructure the proposed expenditures for the public buildings program due to GSA's announcement, subsequent to the introduction of S. 2397 and the hearing, that the resource requirements for two major program components, the rental of space and real property operations, had been underestimated by \$50 million and \$19 million, respectively. The report commented on the extremely negative consequences of escalating rental costs. As the report stated, "Without a means to substantially increase the inventory of federally owned buildings, annual leasing budgets in excess of \$1 billion will undoubtedly be a predominant and permanent feature of the public buildings program." Also noted in the report was GSA's failure to track adequately the funds requested for design and construction services and costs associated with some repair and alteration projects.

S. 2397 passed the Senate on September 12, 1986 by voice vote, but the House of Representatives failed to act on this legislation prior to the end of the 99th Congress.

The Committee has also considered and reported legislation to name public buildings in honor of the following distinguished Americans: the Ariel Rios Memorial Federal Building in Washington, D.C.; the Wallace F. Bennett Federal Building in Salt Lake City, Utah; the Captain John Foster Williams Coast Guard Building in Boston, Massachusetts; the Martin Luther King Federal Building and U.S. Courthouse in Newark, New Jersey; the Jacob Weinberger Federal Building in San Diego, California; the Albert V. Bryan Federal Building in Alexandria, Virginia; the James A. Walsh United States Courthouse in Tucson, Arizona; the Robert N.C. Nix, Sr. Federal Building in Philadelphia, Pennsylvania; the Harold O. Donohue Federal Building in Worcester, Massachusetts; the Silvio James Molloy Federal Building in New York State; the Thaddeus J. Dulski Federal Building in Buffalo, New York; and the Michael J. Dillon Memorial U.S. Courthouse in Buffalo, New York.

NOMINATIONS

In addition to its legislative activity, the Committee considered 17 Presidential nominations during the 99th Congress. The nominations for which the Senate gave advice and consent were as follows:

Department of Commerce

Orson G. Swindle III to be an Assistant Secretary of Commerce.

Environmental Protection Agency

Lee M. Thomas to be Administrator of the Environmental Protection Agency.

A. James Barnes to be Deputy Administrator of the Environmental Protection Agency.

Francis S. Blake to be Assistant Administrator (General Counsel) of the Environmental Protection Agency.

J. Winston Porter to be Assistant Administrator (Office of Solid Waste) of the Environmental Protection Agency.

J. Craig Potter to be Assistant Administrator (Office of Air and Radiation) for the Environmental Protection Agency.

Lawrence J. Jensen to be Assistant Administrator (Office of Water) of the Environmental Protection Agency.

Jennifer Joy Manson to be Assistant Administrator (Office of External Affairs) of the Environmental Protection Agency.

Thomas Lynch Adams, Jr. to be Assistant Administrator (Office of Enforcement and Compliance Monitoring) of the Environmental Protection Agency.

Vaun A. Newwill to be Assistant Administrator (Office of Research and Development) of the Environmental Protection Agency.

Department of the Interior

William P. Horn to be Assistant Secretary of Fish and Wildlife of the Department of the Interior.

Frank H. Dunkle to be Director of the United States Fish and Wildlife Service.

Mississippi River Commission

Brig. General Thomas A. Sands to be a member and president of the Mississippi River Commission.

Brig. General Robert J. Dacey to be a member of the Mississippi River Commission.

Nuclear Regulatory Commission

Lando W. Zech, Jr. to be a member of the Nuclear Regulatory Commission.

Thomas M. Roberts to be a member of the Nuclear Regulatory Commission.

Kenneth M. Carr to be a member of the Nuclear Regulatory Commission.

BUDGET REVIEW

Not later than February 25 of each year the Committee is required to make its recommendations to the Budget Committee for program levels for each agency under its jurisdiction for the coming fiscal year. The agencies within the jurisdiction of the Committee (and the proposed budget levels for fiscal year 1987) include: the Federal Highway Administration (\$13.5 billion); the Environmental Protection Agency (\$5.3 billion); the U.S. Army Corps of Engineers (\$2.856 billion); the Nuclear Regulatory Commission (\$416 million); the Fish and Wildlife Service of the Department of the Interior (\$605 million); the Tennessee Valley Authority (\$104 million); the Disaster Relief program of the Federal Emergency Management Agency (\$100 million); the Council on Environmental Quality (\$820,000); the Kennedy Center for the Performing Arts (\$5.0 million); and the water resources research program of the U.S. Geological Survey (\$12.7 million). In addition the Committee has jurisdiction over the programs of the Economic Development Administration and the Appalachian Regional Commission for which no recommendations were made for fiscal year 1987.

The Committee budget review process begins with a series of staff meetings with representatives from each of the agencies. This is followed by full committee hearings on the President's budget proposals for the major agencies. In 1985, the Committee held four days of hearings on the budgets for EPA, NRC, and the Corps of Engineers. In 1986, three days of hearings included testimony from EPA, NRC, and the Fish and Wildlife Service. Each year the Committee publishes its report to the Budget Committee along with detailed programmatic recommendations for each agency as a committee print.

In addition to the annual budget review, in each of the two sessions of the 99th Congress the Committee was instructed to make savings in the context of reconciliation legislation.

On September 24, 1985, the Committee met to consider and report title VI of S. Con. Res. 32 which became the Consolidated Omnibus Budget Reconciliation Act of 1985. The Committee's recommendation provided for a \$3.0 billion reduction in outlays for the highway program over a period of three fiscal years (1986, 1987, and 1988). These savings were accomplished by lowering the obligation ceiling for the highway program. Subsequent appropriations reflect savings of approximately \$2.1 billion over this three-year period. The final bill included a provision authored by a Committee of the House of Representatives requiring that the Nuclear Regulatory Commission recover approximately one-third of its budget through fees on the regulated community.

On July 23, 1986 the Committee met to consider and report title V of S. Con. Res. 120 which became the Sixth Omnibus Budget Reconciliation Act. The Committee's recommendation came in four parts: (1) further reductions in the obligation ceiling for the highway program; (2) authorization for EPA fees in the amount of \$20 million per year; (3) the sale of defaulted notes by the Economic Development Administration to recover \$50 million; and (4) an increase in the fees charged by the Nuclear Regulatory Commission. Only the requirement that EDA sell defaulted notes was included in the final bill signed by the President.

BUSINESS MEETINGS

During the 99th Congress the Committee conducted 28 business meetings to consider and report legislation, approve nominations and adopt recommendations for the budget levels of the agencies within the Committee's jurisdiction. A brief summary of the business conducted at each of the meetings follows:

January 4, 1985, to adopt procedures and dispose of organizational questions for the 99th Congress.

January 29, 1985, to consider and approve S.J. Res. 8, a resolution approving the Interstate Cost Estimate for the Federal-aid Highway Program and S. 178, a bill including approval of the Interstate Cost Estimate and other matters related to the Federal-aid Highway Program. The bills included a limitation on the obligation ceiling of the Federal-aid Highway Program at \$12.75 billion for fiscal year 1986. At this meeting the Committee also adopted rules for the 99th Congress and a budget resolution for the Committee for the 1st Session.

February 6, 1985, to favorably report the nomination of Lee Thomas to be Administrator of the Environmental Protection Agency.

February 26, 28 and March 1 of 1985, to consider and report S. 51, a bill to reauthorize the Comprehensive Environmental Response, Compensation and Liability Act.

February 27, 1985, to favorably report the nomination of Lando W. Zech, Jr., to be a member of the Nuclear Regulatory Commission.

May 1, 1985, to favorably report the nominations of A. James Barnes to be the Deputy Administrator of the Environmental Protection Agency and Brig. Gen. Thomas A. Sands and Brig. Gen. Robert J. Dacey to be Members of the Mississippi River Commission. At this meeting the Committee also began consideration of S. 1128, a bill to reauthorize the programs of the Clean Water Act.

May 2, 1985, to consider the report S. 1128, a bill to reauthorize programs of the Clean Water Act; S. 124, a bill to reauthorize and amend the Safe Drinking Water Act; S. 895, a bill authorizing funds for the Nuclear Regulatory Commission; S. 1030, a bill authorizing funds for the Public Building Service; S. 709, a bill making the Commission of the Public Building Service a Presidential appointee; S. 710, a bill authorizing funds for the Kennedy Center for the Performing Arts; S. 1023, a bill authorizing funds for the disaster relief program of the Federal Emergency Management Agency; a bill authorizing funds for the programs of the Toxic Substances Control Act for fiscal year 1986; a bill authorizing funds for research and development at the Environmental Protection Agency for fiscal year 1986; and H.R. 14 to name the Carl D. Perkins Federal Building and United States Courthouse in Ashland, Kentucky.

June 25, 1985, to favorably report the nominations of Francis S. Blake to be an Assistant Administrator of the Environmental Protection Agency and Thomas M. Roberts to be a Member of the Nuclear Regulatory Commission; to consider and report S. 1352, a bill authorizing funds for conservation programs on military reservations and public lands; S. 1353, a bill authorizing funds to provide State matching grants for fish and wildlife conservation programs; and S. 1354, a bill authorizing funds for certain components of the National Wildlife Refuge System.

June 18, 1985, to consider and report S. 1567, a original bill authorizing funds for the construction programs of the Army Corps of Engineers.

July 29, 1985, to favorably report the nomination of J. Winston Porter to be an Assistant Administrator of the Environmental Protection Agency and William P. Horn to be an Assistant Secretary of the Department of the Interior; and to consider and report a bill to approve the Interstate Cost Estimate for the Federal-aid Highway Program and a bill to ratify the Maine-New Hampshire compact with respect to the Kittery-Portsmouth bridge authority.

September 24, 1985, to make recommendations to the Budget Committee for savings within the context of the reconciliation instructions voted earlier by the Congress.

October 9, 1985, to favorably report the nominations of Jennifer Joy Manson to be an Assistant Administrator of the Environmen-

tal Protection Agency and Lawrence J. Jensen to be an Assistant Administrator of the Environmental Protection Agency.

October 10, 1985, to favorably report the nomination of Orson C. Swindle III to be an Assistant Secretary of the Department of Commerce; and to approve several watershed projects.

October 16, 1985, to consider and report S. 1706, a bill authorizing the Architect of the Capitol to design a building for construction adjacent to the Union Station in Washington, D.C.

December 4, 1985, to consider and report the following legislation: S. 1578, a bill to improve procedures for implementation of interstate compacts providing for the disposal of low-level radioactive wastes; S. 725, to authorize funds for the programs of the Endangered Species Act; S. 585, a bill to establish the Eastern Shore of Virginia National Building Service Training Center; S. 893, a bill to establish the Florida Panther National Wildlife Refuge; S. 1740, a bill to name the Jennings Randolph Lake in West Virginia; S. 1896, a bill to name the Captain John Foster Williams Federal Building in Boston Massachusetts; S. 978, a bill to name the Wallace F. Bennett Federal Building in Salt Lake City, Utah; S. 653, a bill to name the Ariel Rios Federal Building in Washington, D.C.

January 30, 1986, to report the budget for the Committee for the second session.

February 4, 1986, to favorably report the nomination of J. Craig Portter to be an Assistant Administrator of the Environmental Protection Agency.

March 20, 1986, to consider and report S. 1813, a bill to authorize funds for the programs of the Atlantic Striped Bass Conservation Act.

April 29, 1986, to favorably report the nomination of Frank H. Dunkle to be Director of the Fish and Wildlife Service.

July 22, 1986, to consider and report S. 2397, a bill authorizing funds for the Public Building Service for fiscal year 1987. The Committee also began consideration of S. 2405, a bill authorizing funds for the Federal-aid Highway Program at this meeting.

July 23, 1986, to consider and report S. 2405, a bill authorizing funds for the Federal-aid Highway Program. The Committee also approved recommendations to the Budget Committee on savings to be accomplished pursuant to reconciliation instructions adopted by the Congress for fiscal year 1987.

August 6, 1986, to favorably report the nominations of Kenneth M. Carr to be a Member of the Nuclear Regulatory Commission and Thomas L. Adams to be an Assistant Administrator of the Environmental Protection Agency; and to consider S. 1225, a bill to amend provisions of the Atomic Energy Act with respect to liability for nuclear accidents.

On August 7, 1986, to consider and report S. 1225, a bill to amend certain provisions of the Atomic Energy Act with respect to liability for nuclear accidents.

August 12, 1986, to consider and report the following legislation: S. 1696, to protect the floodway of the Colorado River; S. 2083, a bill to establish a program for the identification and abatement of hazardous asbestos in the Nation's schools; S. 740, a bill to authorize funds to promote the conservation of migratory waterfowl. The

Committee also considered and approved certain watershed projects at this meeting.

September 16, 1986, to consider and report the following legislation: S. 2799, a bill to establish liability for oil spills and to provide a fund to respond to oil pollution incidents; H.R. 4531, an act to ~~authorize funds for the Wetlands Loan Act~~; S. 2062, a bill to name the Martin Luther King, Jr. Federal Building and Courthouse in Newark, New Jersey; S. 2788, a bill to name the Jacob Weinberger Federal Building in San Diego, California; and H.R. 4555, an act to name the John W. Bricker Federal Building in Columbus, Ohio.

October 2, 1986, to favorably report the nomination of Vaun A. Newill to be an Assistant Administrator of the Environmental Protection Agency; and to consider and report H.R. 2403, a bill to require that public buildings comply with nationally recognized building codes and State and local zoning laws, S. 511, a bill to name the Albert V. Bryan Federal Building in Alexandria, Virginia.

HEARINGS

During the 99th Congress the Committee on Environment and Public Works conducted 41 days of hearings taking testimony from 239 witnesses on subjects including implementation of the Superfund program, amendments to the Clean Air Act, programs to control acid rain, authorizations for the Public Building Service, oversight of the asbestos-in-schools program, the President's budget requests for fiscal years 1986 and 1987, and nominations to the Nuclear Regulatory Commission, the Environmental Protection Agency, the Fish and Wildlife Service and the Economic Development Administration. In addition the five subcommittees of the Environment and Public Works Committee held 66 days of hearings and business meetings taking testimony from Administration officials and public witnesses on programs and policies within the jurisdiction of the Committee.

On January 30, 1985, the Committee held a hearing on the nomination of Lando W. Zech, Jr. to be a Member of the Nuclear Regulatory Commission.

On February 6, 1985, the Committee held a hearing on the nomination of Lee M. Thomas to be Administrator of the Environmental Protection Agency.

On February 18, 1985, the Committee held a field hearing in Newark, New Jersey, to consider the ability of the Federal Government and the States to respond to toxic chemical emergencies.

On February 20, 1985, the Committee began hearings on the President's budget request for fiscal year 1986 considering the budget proposal for the Environmental Protection Agency.

On February 21, 1985, the Committee continued hearings on the President's budget request for fiscal year 1986 considering the budget proposal for the Environmental Protection Agency.

On February 25, 1985, the Committee held a hearing on S. 51 and S. 494, bills to extend and amend the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (Superfund).

On March 7, 1985, the Committee continued hearings on the President's budget request for fiscal year 1986 considering the budget proposal for the Nuclear Regulatory Commission.

On March 8, 1985, the Committee concluded hearings on the President's budget request for fiscal year 1986 considering the budget proposal for the Army Corps of Engineers.

On March 14, 1985, the Committee held a hearing on legislation authorizing funds for the Public Building Service for fiscal year 1986.

On April 3, 1985, the Committee held a hearing on the availability of environmental impairment insurance and the implementation of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (Superfund).

On April 17, 1985, the Committee held a hearing on the nomination of A. James Barnes to be Deputy Administrator of the Environmental Protection Agency and the nominations of Brig. Gen. Robert J. Dacey and Brig. Thomas A. Sands, both to be Members of the Mississippi River Commission.

On April 30, 1985, the Committee held a joint hearing with the Subcommittee on Governmental Efficiency and the District of Columbia to consider the capabilities of the Federal Government in global forecasting.

On May 22, 1985, the Committee held a hearing on the nomination of Francis S. Blake to be Assistant Administrator of the Environmental Protection Agency.

On June 18, 1985, the Committee held a hearing on the nomination of Thomas M. Roberts to be a Member of the Nuclear Regulatory Commission.

On July 12, 1985, the Committee held an oversight hearing on the implementation of the Asbestos School Hazard Abatement Act (title V of P.L. 98-37).

On July 17, 1985, the Committee held an oversight hearing to evaluate alternatives for the development of land adjacent to Union Station in Washington, D.C. for use of the Administrative Office of the U.S. Courts.

On July 22, 1985, the Committee held a field hearing in Montpelier, Vermont to consider issues related to acid deposition, hazardous air pollutants and ground water contamination.

On July 24, 1985, the Committee held a hearing on the nomination of William P. Horn to be Assistant Secretary of the Interior for Fish and Wildlife and Parks and J. Winston Porter to be Assistant Administrator for Solid Waste and Emergency Response at the Environmental Protection Agency.

On August, 5, 1985, the Committee held a field hearing in Augusta, Maine, to consider indoor air pollution and exposure to radon gas.

On September 30, 1985, the Committee held a hearing on the nominations of Jennifer J. Manson to be Assistant Administrator for External Affairs at the Environmental Protection Agency, Lawrence J. Jensen to be Assistant Administrator for Water at the Environmental Protection Agency and Orson G. Swindle III to be Assistant Secretary for Commerce for Economic Development.

On October 30, 1985, the Committee held an oversight hearing on the Department of Energy program for the disposal of high level nuclear waste.

On December 11, 1985, the Committee held an oversight hearing on the National Acid Precipitation Assessment Program.

On January 30, 1986, the Committee held a hearing on the nomination of J. Craig Potter to be Assistant Administrator for Air and Radiation at the Environmental Protection Agency.

On January 30, 1986, the Committee held a hearing to review the Superfund contingency plant of the Environmental Protection Agency.

On February 19, 1986, the Committee began hearings to review the President's budget request for fiscal year 1987 considering the budget proposal for the Nuclear Regulatory Commission.

On February 20, 1986, the Committee continued hearings on the President's budget request for fiscal year 1987 considering the budget proposal for the Environmental Protection Agency.

On February 21, 1986, the Committee concluded hearings on the President's budget request for fiscal year 1987 considering the budget proposal of the Fish and Wildlife Service of the Department of the Interior.

On April 23, 1986, the Committee held a hearing on the nomination of Frank H. Dunkle to be Director of the Fish and Wildlife Service of the Department of the Interior.

On May 14, 1986, the Committee held a hearing on S. 2403, a bill requiring that public buildings constructed or altered under authority of the Public Buildings Act be in compliance with nationally recognized building codes and State and local zoning laws, and S. 2397, a bill authorizing funds for the Public Building Service for fiscal year 1987.

On June 26, 1986, the Committee held hearings on proposed legislation relating to acid rain and other air pollution issue.

On July 28, 1986, the Committee held a hearing on the nomination of Thomas L. Adams, Jr. to the Assistant Administrator for Enforcement and Compliance Monitoring at the Environmental Protection Agency and Kenneth M. Carr to be a Member of the Nuclear Regulatory Commission.

On September 10, 1986, the Committee began hearings on S. 2340, a bill to provide a system of liability and compensation for oil spill damages and removal costs.

On September 12, 1986, the Committee concluded hearings on S. 2340, a bill to provide a system of liability and compensation for oil spill damages and removal costs.

On September 25, 1986, the Committee began hearings on S. 2203, a bill to establish a program to reduce acid deposition and other forms of air pollution, and related measures including S. 2200 and S. 2813.

On September 26, 1986, the Committee continued hearings on S. 2203, a bill to establish a program to reduce acid deposition and other forms of air pollution, and related measures including S. 2200 and S. 2813.

On September 29, 1986, the Committee held a hearing on the nomination of Vaun A. Newill to be Assistant Administrator for

Research and Development at the Environmental Protection Agency.

On September 30, 1986, the Committee continued hearings on S. 2203, a bill to establish a program to reduce acid deposition and other forms of air pollution, and related measures including S. 2200 and S. 2813.

On October 1, 1986, the Committee held oversight hearings to review Federal procedures relating to the proposed Port America site in Prince Georges County, Maryland.

On October 2, 1986, the Committee concluded hearings on S. 2203, a bill to establish a program to reduce acid deposition and other forms of air pollutions and related measures including S. 2200 and S. 2813.

SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION

Under the leadership of Senators John Chafee and George Mitchell, the legislative and oversight activities of the Subcommittee focused principally on the reauthorization of the Clean Water Act, creation of a new oil spill "superfund," and reauthorization of a number of wildlife and refuge bills.

CLEAN WATER ACT

Early in 1985 the Subcommittee resumed efforts begun in the 98th Congress to reauthorize provisions of the Clean Water Act. S. 1128, a bill making significant innovations in the municipal construction grants program and establishing the first national program to control nonpoint sources of pollution, was reported by the Committee on May 14, 1985, and passed the Senate on June 13. The conference which began in the fall of 1985 was concluded in October 1986 and the conference report was approved unanimously by both the Senate (96-0) and the House (408-0). The bill failed to become public law when the President allowed it to lapse without signature on November 6.

Construction grants.—Title II of the Clean Water Act authorizes grants to States to construct municipal wastewater treatment systems. Over the past two decades the Federal Government has provided more than \$40 billion through this program to improve the quality of the Nation's surface waters. Since 1981 the Administration has been seeking modifications in the program which would focus the effort on water quality improvement and gradually return responsibility for financing wastewater treatment to State and local government. The bill adopted by the conference authorized an additional \$18 billion of Federal assistance over the next eight years, but also included provisions to restructure the grant-in-aid as a revolving loan program administered by the States and to gradually phaseout the Federal capital contribution to the State funds. The allocation formula for the construction grants program was reported from the conference committee with only minor changes in the existing formula.

Nonpoint sources of pollution.—The principal programs of the existing Clean Water Act focus on identifiable point sources of pollution like pipes, ditches and outfalls from industrial and municipal wastewater sources. As these sources have come under control, so-called "nonpoint sources of pollution" including farm and urban run-off have received increasing attention as a significant source of surface water contamination. S. 1128 authorized a new four-year \$400 million program to be administered jointly by EPA and the States to control nonpoint sources through the development and implementation of best management practices for agriculture, silviculture, and construction applications. This nonpoint source

amendment to title III of the Clean Water Act would also have required that projects developed by Federal agencies or with assistance from Federal grants be consistent with State nonpoint source control programs.

Other provisions.—In addition to reauthorization of the construction grants program and the new effort to control nonpoint sources of pollution, S. 1128 also included the following provisions: a requirement that States identify waters which will not meet water quality standards for toxic pollutants even after all industrial sources come into compliance and propose strategies to reduce toxics beyond the best available technology requirements in current law; a prohibition on backsliding from existing levels of control specified in permits except in limited circumstances; a requirement that all industrial sources of stormwater discharge and all cities over 250,000 apply for and receive stormwater run-off permits within a four-year period; a national estuaries program authorized at \$60 million; and a reauthorization of the Clean Lakes program at \$85 million over five years.

OILSPILL LIABILITY

Beginning late in the second session of the 99th Congress, the Committee took under consideration legislation to establish an oil spill liability and cleanup program. The Committee was building on a long history of work in this area. The first oilspill amendments were enacted as section 311 of the Clean Water Act in 1970. The Committee also reported comprehensive legislation in 1978.

The danger of oil pollution and unauthorized operational spills from tankers and oil facilities is a matter of continuing concern for coastal and other States. Last December, the United States tanker *Argo Anchorage* ran aground in Port Angeles Harbor, Washington spilling 200,000 gallons of crude oil and causing extensive damage to wildlife. In September of this year the *Viking Osprey*, a Singapore flag discharged 300,000 gallons of crude oil into the Delaware River. It was the second major spill affecting the waters of Pennsylvania, Delaware, and New Jersey within the year.

After two days of hearings and two days of business meetings, the Committee reported S. 2799, a bill to create a comprehensive domestic oilspill regime and to implement certain provisions of two international agreements on oil pollution liability and environmental response.

Major provisions.—S. 2799 would increase the limits on liability for oil pollution damage for vessels and facilities operating in U.S. waters. For tankers carrying oil in bulk the limit would be \$500 per gross ton or \$10 million, whichever is greater. For facilities operating on the Outer Continental Shelf the limit would be \$75 million plus cleanup costs. For other facilities the limit would be \$100 million per incident.

To provide for response where damages and removal costs exceed the limit on liability or where costs and damages cannot be recovered, the bill also establishes an oilspill compensation fund to be designed and financed by legislation which is within the jurisdiction of the Committee on Finance. As a part of the Sixth Omnibus Budget Reconciliation Act, the Congress adopted a tax and fund

contingent on enactment of the substantive provisions. The tax was set at 1.3 cents per barrel on the production or importation of crude oil providing for a minimum fund of \$300 million and maximum coverage of \$500 million for any particular spill.

The bill also provided for implementation of two international conventions on oil pollution. The conventions provide an international system of liability for owners of tankers. The conventions also include a response fund for damages which exceed the liability limits. S. 2799 provided that neither the domestic or international regime would preempt liability and response provisions of State law.

S. 2799 was passed by the Senate on September 28, 1986. Although the House had earlier included a comprehensive oilspill program as a title of its Superfund reauthorization proposal, it was not possible to resolve the difference in the Senate and House approaches before the conclusion of the 99th Congress.

WILDLIFE

Wetlands.—The principal accomplishment in the area of wildlife law in the 99th Congress was an extension of the Wetlands Loan Act of 1961. The loans are to the Fish and Wildlife Service of the Department of the Interior to acquire migratory bird habitat. The loans were to be repaid from future duck stamp sales, but were forgiven as one aspect of the reauthorization legislation, S. 740. The reauthorization bill also provides several new sources of revenue for the wetlands acquisition program.

Endangered species.—Although the Committee reported a bill, S. 725, to reauthorize the endangered Species Act, it was not adopted by the Senate before the conclusion of the 99th Congress.

Other.—The Subcommittee also reported several other pieces of wildlife legislation including amendments to the Atlantic Striped Bass Conservation Act (P.L. 99-432); reauthorization of the Fish and Wildlife Conservation Act (P.L. 99-375); and extension and reauthorization of several national wildlife refuges.

OTHER ISSUES

In addition to those activities described above, the Subcommittee conducted extensive oversight activities with respect to the 1984 amendments to the Solid Waste Disposal Act and oversight hearings on the environmental and health effects which may result from ozone depletion in the upper atmosphere and the greenhouse effect.

HEARINGS

During the 99th Congress the Subcommittee on Environmental Pollution held 22 days of hearings, as follows:

On March 26, 1985, the Subcommittee began hearings on S. 53 and S. 652, bills authorizing funds for the programs of the Clean Water Act.

On March 27, 1985, the Subcommittee continued hearings on S. 51 and S. 652, bills authorizing funds for the programs of the Clean Water Act.

On March 28, 1985, the Subcommittee concluded hearings on S. 51 and S. 652, bills authorizing funds for the programs of the Clean Water Act.

On April 16, 1985, the Subcommittee began hearings on S. 725, a bill authorizing funds for fiscal years 1986 through 1990 for the programs of the Endangered Species Act.

On April 18, 1985, the Subcommittee concluded hearings on S. 725, a bill authorizing funds for fiscal years 1986 through 1990 for the programs of the Endangered Species Act.

On May 21, 1985, the Subcommittee began hearings on implementation of section 404 of the Clean Water Act relating to the wetlands dredge and fill permit program.

On June 10, 1985, the Subcommittee continued oversight hearings on section 404 of the Clean Water Act relating to the wetlands dredge and fill permit program.

On June 19, 1985, the Subcommittee began oversight hearings to review Environmental Protection Agency regulations concerning ocean incineration of hazardous waste.

On July 1, 1985, the Subcommittee held a field hearing in Great Falls, Montana, grizzly bear management in the Northern ecosystem.

On July 15, 1985, the Subcommittee continued hearings on implementation of section 404 of the Clean Water Act relating to the wetlands dredge and fill permit program.

On July 17, 1985, the Subcommittee concluded oversight hearings to review Environmental Protection Agency regulations concerning ocean incineration of hazardous waste.

On July 19, 1985, the Subcommittee held an oversight hearing on the implementation of the Atlantic Striped Bass Conservation Act.

On July 30, 1985, the Subcommittee held a hearing on S. 824, a bill to restrict and eliminate ocean dumping of municipal sludge in the New York Bight Apex.

On September 3, 1985, the Subcommittee held a field hearing in Rexburg, Idaho, to consider grizzly bear management in the Northern ecosystem.

On September 18, 1985, the Subcommittee concluded oversight hearings on section 404 of the Clean Water Act relating to the wetland dredge and fill permit program.

On September 20, 1985, the Subcommittee conducted a hearing on S. 585, a bill to establish the Eastern Shore of Virginia National Wildlife Refuge and National Fish and Wildlife Service Training Center.

On November 18, 1985, the Subcommittee held a hearing on S. 740, a bill authorizing funds through fiscal year 1995 to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands and other essential habitat.

On February 24, 1986, the Subcommittee held a hearing on H.R. 3917, a bill to extend the period allowed for compliance with certain financial responsibility requirements applicable to land disposal facilities under the Solid Waste Disposal Act.

On February 24, 1986, the Subcommittee conducted an oversight hearing on implementation of the Hazardous and Solid Waste Amendments of 1984 and the loss of interim status.

On March 25, 1986, the Subcommittee held a joint hearing with the Subcommittee on Nuclear Regulation on the regulation of mixed chemical and radioactive waste disposal under the Atomic Energy Act.

On June 10, 1986, the Subcommittee began oversight hearings to review problems posed by ozone depletion and the greenhouse effect.

On June 11, 1986, the Subcommittee concluded hearings to review problems posed by ozone depletion and the greenhouse effect.

On September 17, 1986, the Subcommittee held hearings on S. 2741, a bill to establish the Bayou Sauvage Urban National Refuge, and S. 1352 and H.R. 1202, bills authorizing funds for fiscal years 1986,, 1987 and 1988 for conservation programs on military reservations and public lands.

BUSINESS MEETINGS

During the 99th Congress the Subcommittee conducted two days of business meetings. On April 23, 1985, the Subcommittee met to consider and report an original bill authorizing funds for the programs of the Clean Water Act. On November 13, 1985, the Subcommittee met to consider and report S. 725, a bill to authorize funds for the programs of the Endangered Species Act, and S. 1354, a bill to authorize funds for various wildlife refuges.

SUBCOMMITTEE ON NUCLEAR REGULATION

SUMMARY

During the 99th Congress, the Subcommittee on Nuclear Regulation, under the leadership of its chairman, Alan K. Simpson, and Ranking Minority Member, Gary Hart, undertook a wide range of legislative and oversight activities in the field of nuclear power.

The Subcommittee, which has jurisdiction over the nonmilitary environmental regulation and control of nuclear power, conducted 12 hearings and 2 markups in the 99th Congress on a variety of nuclear issues, including nuclear liability insurance, reform of the licensing and regulatory process for commercial nuclear powerplants, training of nuclear powerplant personnel, implementation of the Nuclear Waste Policy Act, disposal of low-level radioactive waste, use of radioepidemiological tables for determining causation of radiogenic cancers, and regulation of mixed hazardous and radioactive wastes.

In addition to these activities at the Subcommittee level, the full Committee conducted 6 hearings and 3 markups on a variety of nuclear issues, including high-level and low-level radioactive waste disposal, nuclear liability insurance, and the nomination of three individuals to serve as members of the Nuclear Regulatory Commission.

During the 99th Congress, the Subcommittee focused its attention on three major legislative initiatives: the Low-Level Radioactive Waste Policy Act Amendments Act of 1985, the Price-Anderson Act Amendments Act of 1985, and the Nuclear Regulatory Commission Authorization for fiscal years 1986 and 1987.

The Low-Level Radioactive Waste Policy Act Amendments Act of 1985 was favorably reported from the Committee, passed by both the Senate and the House of Representatives, and signed into law on January 15, 1986, as Public Law 99-240. The Price-Anderson Act Amendments Act of 1985 was favorably reported from the Committee, but was not acted upon by the full Senate. The Nuclear Regulatory Commission Authorization for fiscal years 1986 and 1987 was favorably reported from the Committee and passed by the Senate, but was not acted upon by the House of Representatives.

LOW-LEVEL RADIOACTIVE WASTE POLICY ACT AMENDMENTS ACT OF 1985

On October 8, 1986, the Subcommittee held joint hearings with the Committee on Energy and Natural Resources on S. 1578, a bill introduced by Senator Thurmond and referred to the Environment and Public Works Committee, as well as a similar bill, S. 1517, referred to the Energy and Natural Resources Committee. The Subcommittee received testimony at this hearing from various affected States, the Department of Energy, the Environmental Protection Agency, the Nuclear Regulatory Commission, various environmen-

tal groups, waste disposal site operators, and generators of low-level radioactive waste.

On November 21, 1985, the Subcommittee reported the bill to the full committee for further consideration. On December 4, 1985, the full Committee favorably reported S. 1578 to the Senate.

Following discussions between the three Committees of principal jurisdiction—the Committee on Environment and Public Works, the Committee on Energy and Natural Resources, and the Committee on the Judiciary—a legislative package was presented to the Senate. On December 19, 1986, the Senate passed the bill unanimously, and returned the bill, H.R. 1083, to the House of Representatives. The House of Representatives concurred in the Senate amendments, with one amendment, and returned H.R. 1083 to the Senate for further action. The Senate agreed to the House amendment and, on January 15, 1986, the bill was signed into law as Public Law 99-240.

The Low-Level Radioactive Waste Policy Act Amendments Act of 1985 contains the following principal provisions:

Interim access.—Generators within the unsited States would be guaranteed access, subject to several conditions, limitations, and surcharges, to the existing disposal facilities within the sited regions for an additional 7 years, until January 1, 1993.

Volume limits.—The sited States would not be required to accept any volumes of waste greater than the amount that they are currently accepting on an annual basis. Because there is expected to be an increase in the number of operating nuclear power reactors, the volume caps mean that the generators must reduce the volume of waste generated.

Surcharges.—The sited States would be allowed to impose fixed surcharges upon imported waste as compensation for agreeing to dispose of such waste for an additional seven years, as an economic incentive for other States to reduce the volume of the waste, and as an incentive for the unsited States to develop their own sites.

Milestones.—The unsited States would be required to meet several milestones toward the opening of new sites in order to be entitled to access to the sited States' disposal facilities. Penalty surcharges may be imposed or access may be denied for generators located in States that have not met the milestones. States or regions that meet the milestones would receive partial rebates of the surcharges.

Emergency access.—The Nuclear Regulatory Commission would be allowed to grant emergency access to a disposal site if necessary to eliminate an immediate and serious threat to the public health and safety.

State responsibilities.—The States would be responsible for the disposal of all low-level radioactive waste, as defined by the Nuclear Regulatory Commission. Responsibility for disposal of more highly-radioactive waste would not be a State responsibility.

Alternative disposal methods.—The Nuclear Regulatory Commission would be required to establish technical guidance for disposal facilities that use disposal methods other than shallow land burial.

THE PRICE-ANDERSON ACT AMENDMENTS ACT OF 1985

The second major legislative initiative addressed by the Subcommittee on Nuclear Regulation during the 99th Congress involved reauthorization of the legislation that establishes the requirements and procedures for compensating the public in the event of a nuclear accident resulting from activities undertaken by Department of Energy contractors or Nuclear Regulatory Commission licensees (sections 170 and 11 of the Atomic Energy Act, commonly known as the Price-Anderson Act).

The Subcommittee began its consideration of reauthorization of the Price-Anderson Act early in the 99th Congress, focusing on three bills pending before the Committee on Environment and Public Works—S. 445, S. 1225, and S. 1761.

The Subcommittee held three hearings and heard from 32 witnesses in order to develop a public record for Committee review of the Price-Anderson reauthorization initiative.

Based upon these hearings, the Subcommittee reported a bill, S. 1225, to the full Committee on June 26, 1986. On August 7, 1986 the full Committee favorably reported this bill to the Senate for further consideration. No further action was taken by the full Senate.

The bill reported by the full Committee, the Price-Anderson Act Amendments Act of 1985, include the following major provisions:

S. 1225 provides for major changes in the financial protection required for those commercial nuclear powerplants licenses by the Nuclear Regulatory Commission that have a rated capacity of 100,000 electrical kilowatts or more and as it applies to Department of Energy contractors involved in the construction or operation of production or utilization facilities or other activities (including nuclear waste activities) that involve the risk of public liability for a substantial nuclear incident.

The bill also amends the Price-Anderson Act by establishing a new mechanism for Congressional review of any nuclear accident that appears likely to result in public liability claims in excess of the funds immediately available for compensation and extends by twenty years the authority of the Nuclear Regulatory Commission to indemnify certain licensees and other persons from public liability arising from nuclear incidents which is in excess of the required level of financial protection and its authority over nonprofit educational institutions.

NUCLEAR REGULATORY COMMISSION AUTHORIZATIONS

The third major legislative initiative considered by the Subcommittee in the 99th Congress was the Nuclear Regulatory Commission Authorization for fiscal year 1986 and 1987.

In January of 1985, the Nuclear Regulatory Commission submitted its budget request for fiscal years 1986 and 1987. Hearings were held on the Commission's request on March 7, 1985, with testimony presented by all five NRC Commissioners, as well as the office directors of NRC's principal program offices.

Based upon these hearings, the Committee reported a bill on May 2, 1985 authorizing appropriations for the Commission for

fiscal years 1986 and 1987. The bill, S. 895 authorized \$437,000,000 for salaries and expenses of the NRC for fiscal year 1986, \$8,000,000 above the Commission's fiscal year 1986 request of \$429,000,000. The authorization represents a decrease of \$11,200,000 from the amount appropriated to the Commission for fiscal year 1985. S. 895 also included funding for the equivalent of 3,491 permanent staff positions.

The bill also authorized \$437,000,000 for salaries and expenses for the agency for fiscal year 1987, \$23,000,000 below the NRC's fiscal year 1987 request for \$460,000,000.

On June 13, 1985, the Senate passed S. 895, with one amendment, and forwarded the measure to the House of Representatives. No further action was taken by the House.

HEARINGS

In addition to the three major legislative initiatives summarized above, the Subcommittee also held hearings on a wide variety of issues involving nuclear power, including the disposal of high-level, and mixed radioactive and hazardous waste, reform of the licensing and regulatory process for commercial nuclear power plants, training of nuclear power plant personnel, and the use of radioepidemiological tables for determining causation of radiogenic cancer.

On February 11, 1985, the Subcommittee held a field hearing in Hereford, Texas on the placement of a nuclear waste repository in Deaf Smith County, Texas.

On June 11, 1985, the Subcommittee began joint hearings with the Committee on Labor and Human Resources to review the medical consequences which may arise from the use of radioepidemiological tables.

On June 12, 1985, the Subcommittee concluded joint hearings with the Committee on Labor and Human Resources on the medical consequences which may arise from use of radioepidemiological tables.

On June 27, 1985, the Subcommittee held a hearing on S. 16, the National Nuclear Powerplant Personnel Training Act of 1985.

On July 11, 1985, the Subcommittee held a hearing on S. 836, a bill to revise licensing procedures for nuclear power plants.

On October 8, 1985, the Subcommittee held a joint hearing with the Committee on Energy and Natural Resources to consider S. 1578 and S. 1517, bill relating to low-level nuclear waste disposal.

On October 22, 1985, the Subcommittee held a hearing on S. 445, S. 1225 and S. 1761, bills to revise and extend certain provisions of the Atomic Energy Act of 1954 with respect to liability for nuclear accidents (Price-Anderson Act).

On October 23, 1985, the Subcommittee continued hearings on S. 445, S. 1225, and S. 1761, bills to revise and extend certain provisions of the Atomic Energy Act of 1954 with respect to liability for nuclear accidents (Price-Anderson Act).

On March 25, 1986, the Subcommittee held a joint hearing with the Subcommittee on Environmental Pollution to consider issues relating to mixed radioactive and hazardous waste disposal.

On May 13, 1985, the Subcommittee continued hearings on S. 445, S. 1225 and S. 1761, bills to revise and extend certain provi-

sions of the Atomic Energy Act of 1954 with respect to liability for nuclear accidents (Price-Anderson Act).

On June 17, 1985, the Subcommittee began hearings on S. 1235, S. 2291 and S. 2471, bills to reform the regulatory process for commercial nuclear powerplants (single administrator, nuclear safety board, and inspector general).

On June 18, 1985, the Subcommittee concluded hearings on S. 1235, S. 2291 and S. 2471, bills to reform the regulatory process for commercial nuclear powerplants (single administrator, nuclear safety board, and inspector general).

BUSINESS MEETINGS

The Subcommittee on Nuclear Regulation held two markup sessions during the 99th Congress. On November 21, 1985, it met to markup and report S. 1578, the Low-Level Radioactive Waste Policy Act Amendments of 1985. On June 26, 1986 the Subcommittee met in a business session to markup and report S. 1225, the Price-Anderson Act Amendments of 1985.

SUBCOMMITTEE ON TRANSPORTATION

This past session, the Subcommittee on Transportation completed a series of hearings and considered major, multiyear legislation to reauthorize the Federal-aid highway program. Under the leadership of Senators Steve Symms and Quentin N. Burdick, chairman and ranking minority member, the Subcommittee sought to provide \$52.4 billion in new authorizations for the highway program for fiscal year 1986 through 1990 to the 50 States, the District of Columbia, Puerto Rico, and the Territories.

A wide range of issues were examined during a series of ten hearings which began during the first session and were concluded in the Spring of 1986. Secretary of Transportation Elizabeth Hanford Dole testified on March 6, 1986 on reauthorization of the Federal-aid highway program and the Administration's legislative proposal. Also providing testimony were Ray A. Barnhart, Federal Highway Administrator; Ralph L. Stanley, Urban Mass Transportation Administrator; and Edward M. Gramlich, Deputy Director of the Congressional Budget Office.

The last hearing took place on May 20, 1986, with testimony from several Senators, industry representatives, professional associations, and State and local officials.

S. 2405, the Federal-Aid Highway Act of 1986, was introduced by Senators Symms, Stafford, Bentsen, Burdick, and Abdnor on May 6, 1986. Among the important provisions of this bill were the administrative release mechanism for Interstate construction and Interstate substitute funds ensuring long range funding security; fiscally responsible authorization levels; revisions to provide greater equity in distribution of the funds to the States; new research initiatives; program reforms; and additional flexibility to the States in administering their highway construction and improvement programs.

The Environment and Public Works Committee considered S. 2405 on July 23 and 24, 1986, voted by 11 to 4 to include important improvements in highway beautification, and by unanimous vote of 15 to 0 ordered the bill, with amendments, reported on July 24, 1986. Senate Report 99-369 accompanied S. 2405.

The Senate began consideration of the Federal-Aid Highway Act on September 23, 1986 and passed the legislation the following day by a unanimous vote of 99 yeas. Despite concerted efforts by Senate conferees, the Conference Committee was unable to resolve numerous differences between the Senate and House bills before the end of the second session of the 99th Congress.

On October 18, 1986, the last day of the session, Senators Stafford, Chafee, Burdick, Symms and Bentsen introduced S. 2951, the Emergency Highway Funding Flexibility Act of 1986. This legislation would have allowed States some flexibility in using the approximately \$6.2 billion in carryover funding from previous years.

The measure quickly passed the Senate, but the House took no action on this bill.

HEARINGS

During the 99th Congress the Subcommittee on Transportation held nine days of hearings, as follows:

On July 10, 11, 18 and 31 of 1985, the Subcommittee held hearings on legislation to authorize funds for the Federal-aid highway program.

On August 29, 1985, the Subcommittee held a field hearing in Boise, Idaho, on the Federal-aid highway program.

On November 6, 1985, the Subcommittee held a hearing on S. 1796, a bill to authorize an extension of Hawaii Interstate Route H-3, focusing on parkland protection issues associated with construction.

On March 6, 1986, the Subcommittee held hearings on proposed legislation to authorized funds for the Federal-aid highway program for fiscal years 1987 through 1990.

On March 17, 1986, the Subcommittee held hearings on the status of the air traffic control system with emphasis on rebuilding the controller work force and system safety.

On May 20, 1986, the Subcommittee held a hearing on S. 2405, a bill authorizing funds for fiscal years 1987 through 1990 for the Federal-aid highway system.

SUBCOMMITTEE ON WATER RESOURCES

OMNIBUS LEGISLATION

During the 99th Congress, the Subcommittee on Water Resources, under the leadership of Chairman, James Abdnor, and Ranking Minority Member, Daniel Patrick Moynihan, played a key role in developing the most significant water resources development law passed by the Congress in many years. The Water Resources Development Act of 1986 was the product of more than four years of work by the Subcommittee and represents the first omnibus water legislation in over a decade.

In addition to authorizing approximately \$15.3 billion in new Corps of Engineers flood control, navigation, erosion control, and other water resources projects, programs and studies, the Water Resources Development Act makes several reforms in water resources development policy.

Among the more significant of these policy reforms is the implementation of new cost sharing formulas for the construction of Corps of Engineers water resource projects. Under the provisions of the bill, non-Federal sponsors of flood control, navigation, beach erosion, and other types of projects will be required to make a more significant monetary contribution toward project construction. These new requirements will not only stretch limited Federal public works dollars, but will ensure better designed and more realistic projects by increasing local participation in project planning and construction.

The Act also provides for a new ad valorem tax of 0.04 percent (40 cents per \$100 of value) for commercial cargo loaded at the Nation's harbors. This new tax will help pay the cost of operating and maintaining these harbors which heretofore has been completely paid for by the Federal Government. The existing inland waterway fuel tax of 10 cents per gallon is also doubled over the course of the next 10 years. Fuel tax revenues are deposited in the inland waterways trust fund which is to be used to pay for 50 percent of the cost of new inland lock and dam construction.

In addition, the Water Resources Development Act also contains numerous provisions designed to protect and enhance environmental quality associated with Corps projects. For example, the Act requires that mitigation for environmental damages caused by construction of Corps projects proceed concurrently with project construction instead of after construction or never as has often been the case in the past. Further, specific mitigation plans are also required to accompany future projects sent to the Congress for authorization. The bill also establishes an Office of Environmental Policy in the Corps of Engineers and creates an environmental mitigation revolving fund to help pay for mitigation work at Corps projects.

Among the most significant of the new programs created by this Act is a program to encourage better State dam safety programs. Since over half of the current State dam safety programs are inadequate to assure the safety of non-Federal dams, the Act makes limited matching funds available for those States which bring their programs up to specified standards.

The Water Resources Development Act is one of the major pieces of natural resources legislation to be passed by the 99th Congress, and received broad support from the States, local governments and industry and environmental groups.

OTHER ISSUES

Also during the 99th Congress, the Subcommittee on Water Resources reported the Colorado River Floodway Protection Act (Public Law 99-242). Modeled after the Coastal Barrier Resources Protection Act, the bill removes a wide variety of Federal development subsidies from the high risk floodway area below the Davis Dam on the Lower Colorado River.

In addition to saving the Federal dollars that would be spent providing certain types of disaster relief, flood insurance, and other development assistance for this high risk area, the Colorado River Floodway Protection Act will discourage the increasing development in the Floodway that has resulted in pressure to increase flood control storage at the expense of water supply storage in the upstream Federal reservoir system. If implemented, such a change in storage priorities could mean the loss of billions of dollars worth of water supply and possibly require the construction of major new water storage projects.

HEARINGS

During the 99th Congress the Subcommittee on Water Resources held six days of hearings, as follows:

On May 10, 1985, the Subcommittee began hearings on S. 366, S. 534, and S. 967, bills to authorize the U.S. Army Corps of Engineers to construct various projects for the improvement of rivers and harbors.

On May 16, 1985, the Subcommittee continued hearings on S. 366, S. 534 and S. 967.

On July 16, 1985, the Subcommittee held a hearing on original legislation to authorize the U.S. Army Corps of Engineers to construct various projects for the improvements of rivers and harbors.

On September 26, 1985, the Subcommittee held a hearing to review pending projects of the Soil Conservation Service of the Department of Agriculture.

On April 22, 1986, the Subcommittee held a hearing on S. 1696, a bill to establish a floodway protection program for the Colorado River.

SUBCOMMITTEE ON TOXIC SUBSTANCES AND ENVIRONMENTAL OVERSIGHT

Under the leadership of Senators Dave Durenberger and Max Baucus, chairman and ranking member, the Subcommittee reported two bills which became public law. S. 124 reauthorized and substantially modified the Safe Drinking Water Act. S. 2083, introduced by Senator Stafford, established a new Federal program to assure that hazardous asbestos materials are removed from the Nation's elementary and secondary schools.

SAFE DRINKING WATER ACT

The Safe Drinking Water Act Amendments of 1986 provide a five-year reauthorization of the Federal drinking water protection program and make substantial amendments to the existing law. Under the provision of P.L. 99-339, the Environmental Protection Agency is required to establish standards for 83 drinking water contaminants in the next three years. These standards are derived from health-based goals and are to include consideration of treatment technologies which are the best available as a benchmark.

EPA will also mandate filtration and disinfection as treatment techniques for all public water supply systems to remove contaminants, including biological and chemical contaminants for which national standards have not been set. Local public water supply systems will be required to monitor for a broad range of possible contaminants in addition to those for which EPA sets standards. And the bill includes significant new programs of technical assistance for small water supply systems to assure that monitoring is adequate and that the new treatment techniques are available to smaller communities.

The 1986 amendments also include two new programs to protect the ground water resources of the Nation. The Act requires States to identify "wellhead protection areas" in the immediate vicinity of the wells or wellfields serving the 40,000 communities which rely on ground water supplies and to develop protection programs to assure that sources of contamination within these areas do not contaminate drinking water. The bill also includes a new Federal demonstration program for the protection of "sole source aquifers" which provide the only or principal source of drinking water to a community and which are highly vulnerable to contamination.

Finally, the amendments modify the Underground Injection Control program administered by the Environmental Protection Agency to improve monitoring of injection wells and increase enforcement actions in response to violations.

ASBESTOS-IN-SCHOOLS

A second bill, introduced by Senator Stafford, and considered and reported by the Subcommittee in the second session of the 99th Congress led to a new program to respond to the asbestos hazards which exist in the Nation's schools. EPA estimates that 15 million school children and 1.4 million school employees occupy buildings that contain asbestos, which was used widely as a building material until the 1970s. Asbestos is a known human carcinogen that, when inhaled, can cause lung cancer, mesothelioma and scarring of the lung tissue.

The new Act has three major provisions: it requires the Environmental Protection Agency to promulgate regulations for the identification and abatement of asbestos hazards in schools; it requires local education agencies to take steps which will assure complete inspection of schools for asbestos material and removal or treatment of items that present a hazard to children or school personnel; and it requires that contractors who perform inspections and abatement actions under contract with school boards be trained and accredited to handle hazardous asbestos materials in a manner assuring adequate protection for human health and the environment. The new program is entitled the Asbestos Hazard Emergency Response Act of 1986 and is P.L. 99-519.

Senators James Abdnor, Robert Stafford, Frank Lautenberg and Max Baucus led an effort to assure that the 1987 Continuing Resolution would include \$50 million in funds for the existing EPA grant-in-aid to schools to assist in asbestos hazard abatement.

OTHER ISSUES

The Subcommittee continued its general oversight of pesticide law and regulation with a hearing in September of 1986 on ground water contamination resulting from pesticide applications in agricultural uses. Dr. John Moore, the assistant administrator for pesticides at EPA, testified on steps that the Agency is taking to improve ground water protection under existing law. The Subcommittee also heard from representatives of State government, drinking water administrators, the environmental community, farm interests and the chemical manufacturers. Subsequent to this hearing, Senators Durenberger and Baucus offered an amendment to S. 2792, a reauthorization of the Federal Insecticide, Fungicide and Rodenticide Act, which was then pending before the Senate. The amendment established an extensive, new ground water protection program under FIFRA authority and was adopted by the Senate.

The Subcommittee held a legislative hearing on Senator Durenberger's bill, S. 1967, to regulate the international release of genetically-modified organisms into the environment. The bill requires review by EPA of the potential human health and environmental impact of the new organisms and requires the developers to provide EPA with significant data on these impacts before a research or commercial release is conducted. During 1986 the Administration announced a new interagency biotechnology policy which the Subcommittee reviewed through staff meetings and other oversight work.

The Subcommittee concluded a series of seven oversight hearings on ground water contamination. These hearings contributed to a variety of legislative activities including amendments to the Safe Drinking Water Act, Superfund (with respect to leaks from underground storage tanks) and FIFRA.

HEARINGS

During the 99th Congress the Subcommittee on Toxic Substances and Environmental Oversight held 11 days of hearings on amendments to the Safe Drinking Water Act, ground water contamination, biotechnology and global warming, as follows:

On March 21, 1985, the Subcommittee held a hearing on S. 124, a bill to reauthorize and amend the Safe Drinking Water Act.

On June 17, 1985, the Subcommittee began oversight hearings on ground water contamination.

On June 20, 1985, the Subcommittee continued hearings on ground water contamination receiving testimony from State officials who manage ground water protection programs.

On July 16, 1985, the Subcommittee continued hearings on ground water contamination considering the Ground Water Protection Strategy of the Environmental Protection Agency.

On October 24, 1985, the Subcommittee continued hearings on ground water contamination receiving testimony from representatives of various industries and trade associations.

On November 14, 1985, the Subcommittee continued hearings on ground water contamination receiving the report of the National Ground Water Forum sponsored by the National Governors Association and the Conservation Foundation.

On December 10, 1985, the Subcommittee conducted a hearing to examine the environmental effects of global warming and atmospheric changes including ozone depletion.

On December 12, 1985, the Subcommittee concluded its series of oversight hearings on ground water contamination considering the impact of agricultural practices on ground water quality.

On May 15, 1986, the Subcommittee conducted a hearing on S. 2083 and S. 2300, bills to set standards for the identification and abatement of hazardous asbestos materials in buildings including school buildings.

On May 16, 1986, the Subcommittee conducted an oversight hearing on the government-approved release of genetically-engineered organisms.

On September 9, 1986, the Subcommittee conducted a hearing on proposed amendments to the Federal Insecticide, Fungicide and Rodenticide Act focusing on provisions with respect to pesticide contamination of ground water resources and protection of drinking water supplies.

BUSINESS MEETING

The Subcommittee on Toxic Substances and Environmental Oversight held one business meeting during the 99th Congress on June 19, 1986, to consider and report S. 2083, a bill providing for the identification and abatement of asbestos hazards in the Nation's schools.

SUBCOMMITTEE ON REGIONAL AND COMMUNITY DEVELOPMENT

DISASTER RELIEF

In May of 1986, the Federal Emergency Management Agency (FEMA) issued draft regulations which would increase the non-Federal cost-sharing requirements of the disaster relief program to 50 percent on the average. Since 1980, as a matter of administrative policy, non-Federal interests have been required to bear 25 percent of the cost of repair or replacement of public facilities and debris removal, the Federal Government has borne 75 percent of the cost of these activities.

In the last two Congresses, the Committee reported, and the Senate passed, comprehensive amendments to the Disaster Relief Act, which included a statutorily-sanctioned formula of 25 percent non-Federal and 75 percent of Federal cost sharing. The House did not act on this legislation in either Congress. To disallow promulgation of the new rules, the Senate passed substituted the same provisions in the second session of the 99th Congress as an amendment to S. 2405, the Federal-Aid Highway Act of 1986. That bill failed in conference. In addition, the measure was substituted for H.R. 5488, a stopgap bill to temporarily prevent promulgation of the new rule-making. However, the House did not accept this bill as amended.

Finally, the Senate added disaster relief amendments to S. 2125, a bill to provide assistance to States to help restore highways damaged by disasters. This bill, too, was not passed by the House. The Congress ended without a change in the Disaster Relief Act. However, language was added to the resolution for Continuing Appropriations for fiscal year 1987 (H.J. Res. 738) which prohibits implementation of the proposed regulations increasing non-Federal cost-sharing requirements during the coming year.

In addition to addressing Federal and non-Federal cost sharing, the Senate amendments would make a number of the other significant revisions to the Disaster Relief Act. For example, the measure would provide, for the first time, a program of hazard mitigation at FEMA. It would give greater flexibility to State and local governments to choose the types of facilities that would be replaced following a disaster. It would expand the so-called "small project grant" provisions of current law, double the Federal matching grant to States for preparedness planning, and increase the Individual and Family Grant by up to 50 percent. Unemployment assistance under the Disaster Relief Act would be made consistent with unemployment compensation laws administered by the Department of Labor. It would also clarify that disaster assistance to individuals shall not be counted as income for the purposes of determining eligibility for welfare or other means-tested programs. It would also authorize the Attorney General to bring suit to recover costs from parties whose acts cause a disaster or emergency. In ad-

dition, State and local governments would be required to subscribe to flood insurance following a disaster—where insurance is available at reasonable rates—in order to be eligible for Federal assistance in subsequent disasters. The measure also would strengthen existing authorities on criminal and civil penalties, and it would add specific authority and requirements for audits and investigations.

HEARINGS

During the 99th Congress the Subcommittee on Regional and Community Development held three days of hearings (July 15, 16 and 30, 1985) to review the policies and programs of the Tennessee Valley Authority.

